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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

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TONY WRIGHT,

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Plaintiff,

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v.

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SANDRA CARTER *et al.*,

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Defendants.

Case No. C06-5151RJB

ORDER DENYING PLAINTIFF'S
MOTION FOR APPOINTMENT OF
COUNSEL

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19    This civil rights action has been referred to the undersigned Magistrate Judge pursuant to

20  Title 28 U.S.C. § 636(b)(1)(B).  Plaintiff was given leave to proceed *in forma pauperis.*  (Dkt. # 2).

21  Before the court is plaintiff's motion for appointment of counsel.  (Dkt. # 12).

22    In considering plaintiff's motion for counsel the court notes there is a standard for

23  appointment of counsel in the Ninth Circuit.  There is no right to have counsel appointed in cases

24  brought under 42 U.S.C. § 1983.  Although the court, under 28 U.S.C. § 1915(d), can request

25  counsel to represent a party proceeding *in forma pauperis*, the court may do so only in exceptional

26  circumstances.  Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986); Franklin v. Murphy,

27  745 F.2d 1221, 1236 (9th Cir. 1984); Aldabe v. Aldabe, 616 F.2d 1089 (9th Cir. 1980).  A finding of

28  ORDER

1   exceptional circumstances requires an evaluation of both the likelihood of success on the merits and

2   the ability of the plaintiff to articulate his claims *pro se* in light of the complexity of the legal issues

3   involved.  Wilborn, 789 F.2d at 1331.

4          Plaintiff has demonstrated an adequate ability to articulate his claims *pro se*.   Moreover, it

5   appears that this case does not involve exceptional circumstances which warrant appointment of

6   counsel.  Accordingly, Plaintiff's Motion to Appoint Counsel (Dkt. # 12) is **DENIED**.

7          The Clerk is directed to send plaintiff and counsel for defendant's a copy of this Order.

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9          DATED this 14th, day of July, 2006.

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                        */S/ J. Kelley Arnold*
11                       J. Kelley Arnold
                        United States Magistrate Judge
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28   ORDER